

IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :11098 of 2006

-

-

-

Dated: 15th June 2006.

-

Between:

Fatima Begum

..... PETITIONER

AND

The Government of A.P., rep. by Prl. Secretary, Home Dept. and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

-

-

W.P.NO.11098 OF 2006

-

-

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

This writ petition is filed with the prayer as follows:

“ For the reasons stated in the accompanying affidavit, it is prayed that the Hon'ble Court may be pleased to issue writ, order or direction more particularly one in the nature of Writ of Habeas Corpus directing the respondents No.1 to 4 to produce the Petitioner's son Md.Saleem before this Hon'ble Court and set him at liberty forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of Justice”.

The petitioner complains in the writ petition that on 18-05-2006 at about 5:00 P.M. her son Mohd. Saleem, was taken away by the respondent-police officials, on the ground that he was summoned by the 4th respondent herein. As the boy did not return back for quite some time, the petitioner claims that her husband went to the 4th respondent police station to find out the whereabouts of the boy and according to the deponent of the affidavit, her husband was informed that the boy was detained in connection with a case of illegal sale of Gutka Packets, which are banned in the State, and he was not produced before any competent court, as required under the law.

The learned Advocate General took notice and filed counter. In the counter it is submitted that on 06-05-2006, a complaint was received in the 4th respondent police station stating that on the intervening night of 5/6-06-

2006, some unknown offenders, overtook the van of the complainant, bearing No. A.P.11.W.2304. Based on the said complaint a case in Crime No.478 of 2006, under Section 392 of the Indian Penal Code, was registered. During the course of investigation, according to the police, the alleged detenu was apprehended at Uppal Ringroad, while he was proceeding in a CIELO car bearing No.A.P.11-K-203. According to the

4th respondent, the alleged detenu made a confession of his involvement in the said crime and therefore, he was arrested and produced before the IX Metropolitan Magistrate, Kukatpally, on 06-06-2006. Thereafter, the detenu was remanded to judicial custody and, presently, lodged in Central Prison, Cherlapally.

In view of the fact that the alleged detenu is under judicial custody, we do not see any reason to probe further into the matter.

The writ petition is, therefore, dismissed at the stage of admission.

J.Chelameswar, J

D.Appa Rao, J

15th June 2006

mrk